



# TNRCC TECHNICAL GUIDANCE

## PETROLEUM STORAGE TANK DIVISION

### SUBJECT: **Selecting An Environmental Consultant/ Corrective Action Specialist**

*Investigating and cleaning up a product storage tank release can be expensive and difficult. Selecting an unqualified or inexperienced environmental consultant to do the work may cost you even more. This information sheet provides some basic guidelines for selecting a professional, reliable environmental consultant to help you clean up the pollution caused by the leaking product storage tank.*

#### **RESEARCHING CONSULTING COMPANIES**

Once you have reported the release from your leaking product storage tank (LPST) to the appropriate TNRCC Regional Field Office, you should start looking for a consultant. You should contact several companies and check on their experience, training, fees and insurance coverage, and compare them to each other to determine which company best suits your needs.

#### **Experience and Training**

Before you hire a consultant, determine if the prospective company has the technical competence to do the work you need. A poor design for a recovery system, unacceptable field procedures, lack of familiarity with state or federal requirements, or an inadequate investigation may unnecessarily cost you thousands of dollars and still not complete the cleanup.

Find out the following information about each company through interviews with the firm's staff. Narrow your list of possible consultants to companies that answer "yes" to most of these questions.

1. Is the firm a TNRCC-registered Corrective Action Specialist and do they employ registered Project Managers?
2. Does the firm have experience with performing product-related investigations and cleanups in Texas? Are the staff familiar with the Storage Tank regulations including the process of obtaining prior approval and reimbursement for corrective action activities?
3. Are company staff trained in the use of field screening instruments and familiar with proper screening procedures. Does the company own any field screening instruments such as the HNu or OVA? Do they have staff to properly maintain and recalibrate such equipment?
4. Do they have an established field protocol and chain-of-custody for sampling?
5. Are company staff familiar with which EPA-approved laboratory methods are considered acceptable by the TNRCC?
6. Do they have experience in monitor well design and installation? (Some firms may subcontract well drilling. If the consultant you are interested in contracts its drilling to another company, be sure to get references for that subcontractor as well.)
7. Do they know the requirements of the Texas Water Well Drillers Board?
8. Are they familiar with contaminated soil treatment methods, including bioremediation, thermal desorption, and in-situ technologies?
9. Have they installed any groundwater recovery systems? Were the systems effective? Have any cleanups using recovery systems been completed and formally closed by the TNRCC?
10. Can the company provide you with information on the educational and training backgrounds of its staff?

## Costs

Any consultant you hire should provide you with an estimate of anticipated project costs and an itemized fee schedule. In a typical product-related cleanup, the majority of the project costs are associated with equipment and/or subcontractors. High costs also frequently stem from monitor well installation; soil and groundwater sampling and analysis; soil excavation; soil treatment; and groundwater recovery system equipment, operations and maintenance.

Have the consultant tell you which, if any, of these activities are subcontracted, and if the subcontractor costs are competitively bid. Be aware that there is a wide range of costs for some subcontractor activities such as soil excavation or soil treatment, while other costs such as sample analyses tend to be fairly standardized. The TNRCC recommends that a minimum of three competitive bids be collected for all non-professional services. Identify how you will be billed for the consultant's management of any subcontractors - this is normally done by either a percentage of the total subcontractor costs or at an hourly rate, not both.

Before entering a long-term contract with a consultant, consider that you may for some reason later decide to change consultants. A contractual arrangement between you and your consultant in no way binds the TNRCC to reimbursing unreasonable or ineligible corrective action costs from the Petroleum Storage Tank Remediation Fund.

## Insurance

Request information on the consultant's and subcontractor's insurance coverage. To minimize your liability, do not contract with a company that does not have environmental liability insurance. If a company is self-insured, make sure it has adequate resources set aside to cover any problems that may occur.

## References

It is also important to obtain references for any consultants you might hire. When researching companies, request *complete* lists of: the company's clients in your county or region; their product release

sites in Texas which require groundwater recovery systems; and their cleanups in Texas which were submitted to the TNRCC for reimbursement. Once you have received a list of the consultant's previous clients, contact some of the references in your industry or area and ask the following questions:

- Was your project similar in size and nature to mine?
- Did the consultant perform the stated work and meet project deadlines?
- Did the consultant keep you informed of project developments and aware of all available cleanup options?
- Did you trust the consultant?
- Did any problems arise during your work with the consultant, and were they satisfactorily resolved?
- Did the consultant work effectively with the TNRCC and local officials?
- Were you satisfied with the work performed by the consultant?
- Did the final costs seem in line with the original estimate?

You may also want to contact any professional organizations you belong to or other businesses in your industry for references. In addition, the TNRCC Records Services Section (512/239-2920), can provide you with a list of LPST sites, including those in your area. You may wish to call some of the parties paying for those cleanups for references as well.

## MAKING THE FINAL CONSULTANT SELECTION

Hire a consultant the same way you would hire someone to build your home. Choose several qualified companies and request a proposal for your project from each company. Each proposal you receive should include:

- the scope of services for the project;
- resumes of the field staff and the project manager who will be conducting the work;
- an estimated work schedule;

- anticipated subcontractors, subcontractor's costs, and contractor-related consulting fees;
- an estimate of total project costs and an itemized fee schedule; and
- references.

Ideally, when you need a consultant for investigation and cleanup help, you will have the time to go through the steps outlined in this fact sheet. However, in the event of an emergency, you may require the immediate services of a consultant until the situation is stabilized. Under these circumstances you won't have the option to fully investigate a consultant, but if possible, obtain and contact several references before making a commitment. Consultants hired for emergency response do not have to be retained to complete the investigation, so if you are unsatisfied with a consultant's performance in handling the emergency, do not feel obligated to keep that company on for the remainder of the site investigation and cleanup.

## **TNRCC REGISTRATION OF CONSULTANTS**

Title 30, TAC Chapter 334 Subchapter J requires that anyone performing, coordinating, or offering to perform corrective action services must be registered as a Corrective Action Specialist. Addition-

ally, after February 4, 1994, corrective action services must be supervised by a registered Project Manager.

Lists of registered Corrective Action Specialists and, when available, Project Managers, may be obtained by contacting the TNRCC Records Services at 512/239-2920.

While the TNRCC requires the registration of Corrective Action Specialists and Project Managers, the registration does not imply that the TNRCC endorses, licenses, or promotes the companies. The TNRCC does not guarantee the quality of services performed or that the cost of the work may be reimbursed.

## **CONCLUSION**

It is in your best interest, both legally and financially, to hire experienced companies to handle cleanup of product leaks and spills. As with any business situation, using a little common sense when hiring a consultant goes a long way. Remember:

- If it sounds too good to be true, it probably is.
- "Inexpensive" does not always mean "best."
- A consultant who tries a hard-sell approach on you, or who attempts to minimize the technical or legal requirements of an adequate cleanup, is probably not the consultant you should be hiring.

*Should you have any questions regarding this document, contact the TNRCC coordinator assigned to your particular case or contact the Responsible Party Remediation Section of the PST Division at 512/239-2200.*



**TNRCC**

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